

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, JUNE 8 , 1993

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING June 8, 1993
IN Regular SESSION. PRESIDENT Mark E. GiaQuinta
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND
Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE
FOLLOWING MEMBERS VIZ:

BRADBURY <i>P</i>	EDMONDS <i>Absent</i>	GIAQUINTA <i>P</i>
HENRY <i>P</i>	LONG <i>P</i>	LUNSEY <i>P</i>
RAVINE <i>P</i>	SCHMIDT <i>P</i>	TALARICO <i>P</i>

ABSENT: _____

COUNCILMEMBER: _____

THE MINUTES OF THE LAST REGULAR May 25, 1993

SPECIAL _____, 19__

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,
APPROVED AND PUBLISHED.



Paul Helmke
Mayor

THE CITY OF FORT WAYNE



May 25, 1993

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-04-93, amending Chapter 157 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-93-05-11

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
25th day of May 1992.

Robert Hutner
Secretary

/pb

CC: File

FACT SHEET

Z-93-05-11

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE****APPROVAL DEADLINE****REASON**

Zoning Map Amendment

From R-1 to R-3

DETAILS

Specific Location and/or Address 1605 Laverne Avenue
Reason for Project Construction of an office building.
Discussion (Including relationship to other Council actions) <u>17 May 1993 - Public Hearing</u> William Murphy, 5710 Prophets Pass, petitioner appeared before the Commission. Mr. Murphy stated that he is the managing general partner of Lake Avenue (inaudible) Partners, who have developed the property at the corner of Lake Avenue and Laverne Avenue, directly across from the Catholic Cemetery. He stated that it is Lake Avenue Professional Park and that they currently have two professional office buildings on the property. He stated that the property they would like rezoned is contiguous to this property. He stated that they would like to further develop the property by adding another office building similar to what is already built in the area. He stated at this point they do not have an exact number of square feet. He said approximately 3,000 to 6,000 square feet is proposed. Mel Smith questioned how large the existing facilities were. Mr. Murphy stated that they have two buildings one at 3525 Lake Avenue is a single story building with 8100 square feet and one at 3521 Lake Avenue is a two story with

POSITIONS**RECOMMENDATIONS**

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) William W Murphy City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against -could negatively impact the property values of residential land uses to the north
Board or Commission Recommendation	By <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

10,000 square feet.

Me1 Smith questioned if they are allowed to add another building would they have enough parking to accommodate all three structures.

Mr. Murphy stated that at this point they have more than the required amount of parking. He stated that the property in question currently has a variance for parking.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

24 May 1993 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the six (6) members present, five (5) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

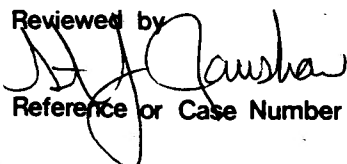
Date 13 April 1993

Projected Completion or Occupancy

Date 25 May 1993

Fact Sheet Prepared by
Patricia A Biancaniello

Date 25 May 1993

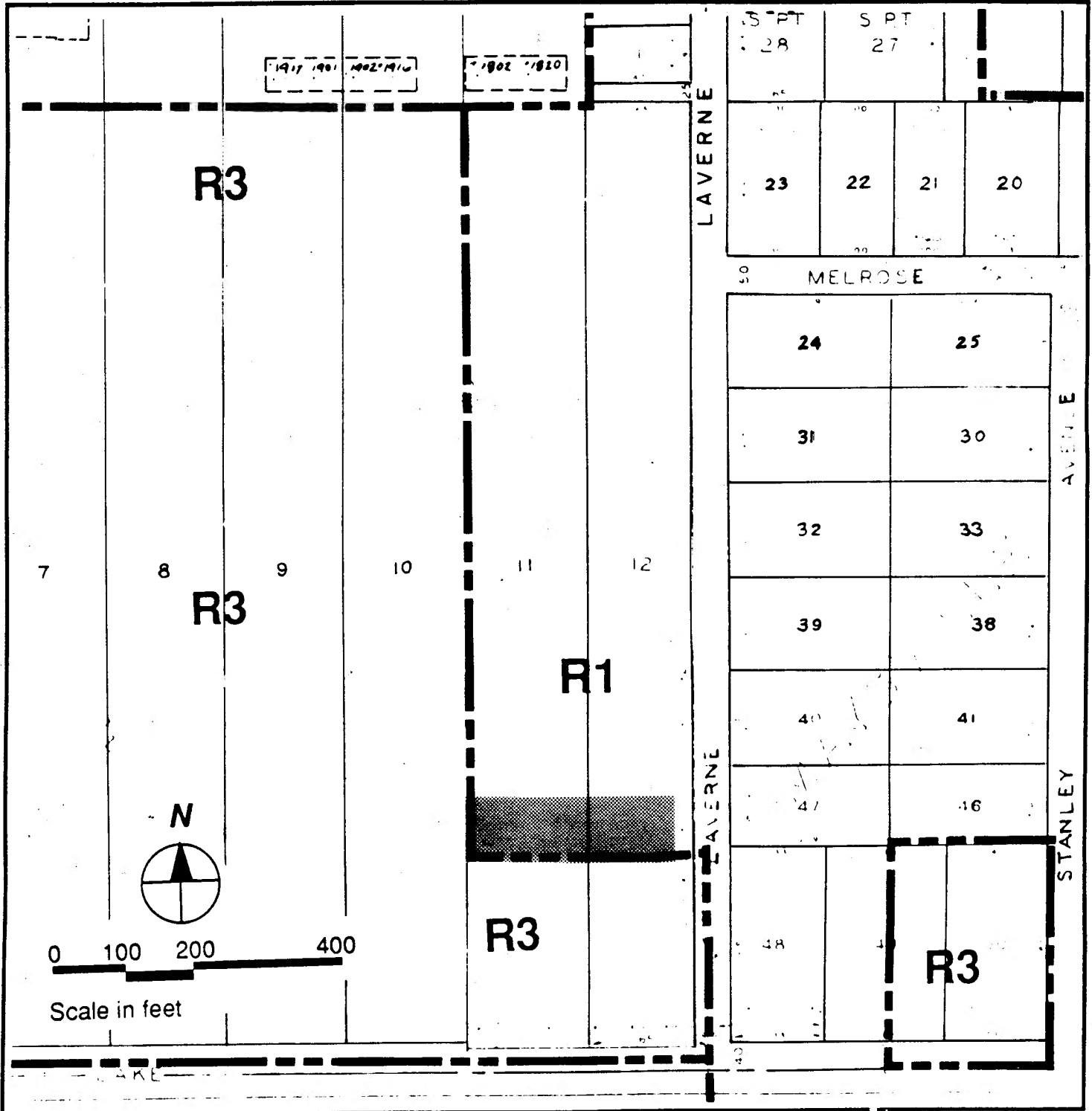
Reviewed by

Reference or Case Number

Date 25 May 1993

REZONING PETITION

AREA MAP

CASE NO. # 537



COUNCILMANIC DISTRICT NO. 1

Map No. R-14
LW 4-28-93

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana on May 11, 1993 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-93-05-11; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 17, 1993.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

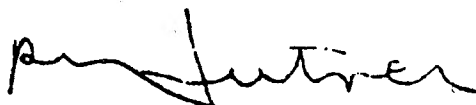
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual an unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 24, 1993.

Certified and signed this
25th day of May 1993.



Robert Hutner
Secretary

William W. Murphy requests a change of zone from R-1 to R-3.

Location: 1605 Laverne Avenue

Legal: See file

Land Area: Approximately 0.48 acres

Zoning: R-1

Surroundings:	North	R-1	Single Family Residential
	South	R-3	Office (1 residence)
	East	R-1	SFR and Office
	West	R-3	Office

Reason for Request: Not stated on petition

Neighborhood Assoc.: None

Neighborhood Plan: No comment.

Comprehensive Plan: The general land use policies of the Comprehensive Plan states that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the Middle Ring. The goal of the Middle Ring is to maintain investments and prevent deterioration in existing neighborhoods.

Landscape: As no form of buffer is proposed between this more intensive land use against the single family R-1 to the north, and this rezoning may lead to the expansion of the existing office use to the south, some means of regulating site development to the south should be considered with this application.

Planning Staff Discussion:

While the reason for this petition is not stated, conversations with the petitioner indicate that growth of the existing office development is being considered.

Immediately south of this site is an existing office development under the same ownership. This site currently has a home located on the front portion, with a parking lot located on the westerly portion. The parking lot was approved by the Board of Zoning

Appeals in 1991 to allow additional parking for the existing offices. The Board of Zoning Appeals has previously approved office or medical clinic uses on the east side of Laverne Avenue at Lake Avenue.

Staff is very concerned with the potential impacts of this petition on this area. Laverne Avenue has been developed primarily as a residential neighborhood. The Lake Avenue frontage has been viewed by staff as being supportive of office and medical clinic uses, thus preserving residential uses to the north. In January, staff recommended a rezoning at 1515 Laverne which allowed an alignment of the R-3 designations and/or eventual office uses. (That petition aligned R-3 zoning with the north property line for lot 48, across the street, which had previously received BZA approvals.) Other than Fort Wayne Christian School, established uses north of that site are residential.

Evaluation of any rezoning petition requires both the Plan Commission and City Council to pay reasonable regard to the Comprehensive Plan, the condition and character of uses and structures in the area, the most desirable land use, the conservation of property values, and principles of responsible development and growth.

Staff views this area as already having reached its maximum non-residential development potential along the Laverne frontage. The predominant land uses along Laverne Avenue are well maintained dwellings. Laverne Avenue is used to some extent as a "cut-through" street providing access between State Boulevard and Lake Avenue, and exposing area residents and school children to potential safety concerns. Additional non-residential development would encourage increased traffic in the area. Such non-residential development, along with its associated considerations, could weaken the residential property values in the area, and eventually generate additional non-residential interests. Staff feels that office uses along with medical clinics are better suited to the higher traffic locations along Lake Avenue.

Recommendation: DO NOT PASS for the following reasons:

- 1) Approval could negatively impact the property values of residential land uses to the north.
- 2) Approval could have negative impacts on pedestrian safety by causing increased traffic along Laverne Avenue.
- 3) Other areas would be more appropriate for office development.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 8th day of June, 19 93, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 10th day of June, 19 93.

Sandra E. Kennedy
City Clerk